

# Notice of Allowability

Application No.

09/915,029

Examiner

Jonathan G. Sterrett

Applicant(s)

FELDTEN, GUY W.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9-21-06.
2. ☒ The allowed claim(s) is/are 1-9,11-13 and 15-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20061207.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
TAREK N. HAFEZ  
SUPERVISORY PATENT EXAMINER  
TECHNICAL FIELD: [illegible]

Examiner's Amendment

1. An examiner's amendment to the record is attached to the Office Action. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William E Anderson II, Reg. 37,766 on 7 December 2006. See attached interview summary.

2. The abstract is amended as per below to reduce the word count to 150 words or less. The amended abstract is attached.

3. The specification is amended to add material removed from the abstract as per below:

On page 2, between the title "BRIEF SUMMARY OF THE INVENTION" and the first paragraph of the Summary, insert the following:

"The methods for facilitating video test screening on an electronic visual communications network have several steps. One is to establish a registrant database of persons who volunteer to serve as a member of a video test screening audience. That database contains the persons name and

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personal contact information and preferably also demographic information, plus the person's identification number called an ID number. Another main step is that of establishing a test screening audience database of test screening audience members for test screening a particular specific video. Audience members are selected without regard to the time a person was added to the registrant database, or in a sequence according to the time a person volunteered to serve as a member of a test screening audience for a particular specific video, or by a combination involving both techniques. Members of the test audience are given a special access code to be entered with the member's identification number in order to gain access to the particular specific test video for test screening on the network. Test screening may involve exposing an audience member to a verification code at some point in the video, and subsequent quizzing of the member to verify that the member viewed that portion of the video."

4. The claims below are the pending claims in the application.

1. (Currently Amended) In a method for facilitating video test screening on an electronic visual communications network, the steps comprising:

(i) establishing a registrant database of persons who volunteer to serve as a member of a test screening audience for video test screening on said network, said registrant database containing for each said person,

- (a) the person's name and personal contact information, and
- (b) the person's identification number called an ID number,

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(ii) establishing a test screening audience database of test screening audience members for test screening a particular specific video,

(a) wherein said test screening audience members are selected from persons in said registrant database by a procedure involving one or more of the following techniques:

A. selection without regard to the time a person was added to said registrant database, and

B. sequential selection in the order in which a person volunteered to serve as a member of a test screening audience for said particular specific video, and

(b) wherein said test screening audience database is limited to members who accept assignment to them of a special access code to be entered by said member together with the member's identification number in order to gain access to the particular specific video for test screening on said network, and

(iii) conducting test screening of said particular specific video, wherein said particular specific video is a production or post-production videos vides, on said network by steps involving

(a) entering by a test screening audience member his or her identification number and access code, to thereby obtain access by said test screening audience member to the particular specific video under screen testing,

(b) providing on-line responses by test screening audience members to questions about the video of the test screening, and

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(c) obtaining the on-line responses from the test screening audience member about the particular specific video after they have screened it and storing the responses

(d) obtaining prior commitments from the test screening audience members to watch the entire test video and ensuring that the test audience members watch the entire test video by displaying in the video under screen testing a verification code for a limited time without advance notice to any members of the test screening audience, and the step of quizzing members of the test screening audience about said verification code, to thereby learn if any member of the test screening audience failed to view a portion of the video containing the verification code.

2. (Original) In the method of claim 1, the additional step of publishing an announcement that any person desiring to serve as a member of a video test screening audience on said network should volunteer for such service.

3. (Previously Presented) In the method of claim 1, the additional step of conducting a post viewing discussion after the particular specific video is test screened.

4. (Original) In the method of claim 1, the further step of adding demographic information for persons in said registrant database.

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5. (Original) In the method of claim 4, the additional step of pre-establishing demographic requirements for said members of said test screening audience for said particular specific video, and wherein selection of said members of said test screening audience is from persons whose demographics satisfy said demographic requirements.

6. (Original) In the method of claim 5, the step of establishing, before establishing said test screening audience database, a selected candidate database composed of persons registered in said registrant database whose demographics satisfy said demographic requirements.

7. (Previously Presented) In the method of claim 6, the step of replacing persons in the selected candidate database with other persons from said registrant database whose demographics satisfy the demographic requirements pre-established for the test screening of said particular specific video whenever a person initially placed in said selected candidate database declines or fails to serve.

8. (Original) In the method of claim 1, the additional step of obtaining agreement by a volunteering person to abide by a set of pre-established conditions for video test screening before including such person in the registrant database.

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9. (Previously Presented) In the method of claim 1, the step of pre-determining a minimum number of persons to be included in said test screening audience database before establishing said database and using the minimum of persons in conducting the test screening.

10. (cancelled)

11. (Currently Amended) In a method for facilitating video test screening on an electronic visual communications network, the steps comprising:

(i) publishing an announcement that any person desiring to serve as a member of a video test screening audience on said network should volunteer for such service,

(ii) establishing a registrant database of persons who volunteer and are deemed potentially eligible to participate in video test screening on said network, said registrant database containing for each person in it,

(a) the persons name and personal contact information and demographic information, and

(b) the person's identification number called an ID number,

(iii) establishing, before forming a test screening audience database of test audience members for test screening a particular specific video, a selected candidate database composed of persons registered in said registrant database whose demographics satisfy the demographic requirements pre-established for members of a test screening audience for said particular specific video, said

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selected candidate database of persons being formed by a procedure involving one or more of the following techniques:

(a) selection without regard to the time a person was added to said registrant database, and

(b) sequential selection in the order in which a person volunteered to serve as a member of the test screening audience for said particular specific video,

(iv) establishing a test screening audience database of test screening audience members for test screening said particular specific video by selecting persons from said selected candidate database who accept assignment to them of a special access code to be entered by said member together with the member's identification number in order to gain access to the particular specific video for test screening on said network, and

(v) conducting test screening of said particular specific video, wherein said particular specific video is a production or post-production videos ~~vides~~, on said network by steps involving

(a) entering by a test screening audience member his or her identification number and access code, to thereby obtain access by test screening audience member to the particular specific video under screen testing,

(b) providing on-line responses by test audience members to questions about the video of the test screening, and

(c) tabulating the responses by test screening audience members into a report of the responses



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(d) obtaining prior commitments from the test screening audience members to watch the entire test video and ensuring that the test audience members watch the entire test video by displaying in the video under screen testing a verification code for a limited time without advance notice to any members of the test screening audience, and the step of quizzing members of the test screening audience about said verification code, to thereby learn if any member of the test screening audience failed to view a portion of the video containing the verification code.

12. (Original) In the method of claim 11, the additional step of obtaining agreement by a volunteering person to abide by a set of pre-established conditions for video test screening before including such person in the registrant database.

13. (Original) In the method of claim 11, the step of predetermining the number of persons to be included in said test screening audience database before establishing said database.

14. (Cancelled)

15. (Original) In the method of claim 11, the step of replacing persons in the selected candidate database with other persons from said registrant

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database whose demographics satisfy the demographic requirements pre--  
established for the test screening of said particular specific video whenever a  
person initially placed in said selected candidate database declines or fails to  
serve.

16. (Previously Presented) In the method of claim 1, wherein the  
particular specific video provided for the test screening audience members is  
provided regardless of their particular video interests or likes.

17. (Previously Presented) In the method of claim 1, wherein the  
questions about the video of the test screening include questions about specific  
aspects of the particular specific video.

18. (Previously Presented) In the method of claim 11, wherein the  
particular specific video provided for the test screening audience members is  
provided regardless of their particular video interests or likes.

19. (Previously Presented) In the method of claim 11, wherein the  
questions about the video of the test screening include questions about specific  
aspects of the particular specific video:

***Allowable Subject Matter***

5. **Claims 1-9, 11-13 and 15-19** are allowed.

***Reasons for Allowance***

6. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art of record, taken individually or in any combination, teach, inter alia,

establishing a registrant database of persons who volunteer to serve as a member of a test screening audience for video test screening on said network, said registrant database containing for each said person,

the person's name and personal contact information, and

the person's identification number called an ID number,

establishing a test screening audience database of test screening audience members for test screening a particular specific video,

where said test screening audience members are selected from persons in said registrant database by a procedure involving one or more of the following techniques:

selection without regard to the time a person was added to said registrant database, and

sequential selection in the order in which a person volunteered to serve as a member of a test screening audience for said particular specific video, and

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where said test screening audience database is limited to members who accept assignment to them of a special access code to be entered by the member together with the member's identification number to gain access to the particular specific video for test screening on the network, and

conducting test screening of said particular specific video, where said particular specific video is a production or post-production videos, on the network using the following steps:

entering by a test screening audience member his or her identification number and access code, to thereby access the video being screen testing,

providing on-line responses by test screening audience members to questions about the video of the test screening, and

obtaining the on-line responses from the test screening audience member about the particular specific video after they have screened it;

obtaining prior commitments from the test screening audience members to watch the entire test video and ensuring that the test audience members watch the entire test video by displaying in the video under screen testing a verification code for a limited time without advance notice to any members of the test screening audience, and the step of quizzing members of the test screening audience about said verification code, to thereby learn if any member of the test screening audience failed to view a portion of the video containing the verification code,

as recited in independent **Claims 1 and 11.**

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The novelty of the invention is in the combination of the limitations cited in independent **Claims 1 and 11** and not in any specific individual claim limitation.

The prior art reference most closely resembling the applicants claimed invention is **Herz (U.S. Patent 6,088,722)**. Herz discloses some of the features of the claimed invention, as discussed below. For those features missing from Herz, an unreasonable number of references would be required, so that a person of ordinary skill in the art at the time of the invention would not have been motivated to combine Herz with the required references. Therefore a combination of these features was not reasonably found in the prior art.

While **Herz** discloses:

establishing a registrant database of persons who volunteer to serve as a member of a test screening audience for video test screening on said network, said registrant database containing for each said person the person's name and personal contact information, and the person's identification number called an ID number; establishing a test screening audience database of test screening audience members for test screening a particular specific video, where the test screening audience members are selected from persons in said registrant database by a procedure involving one more of the following techniques: selection without regard to the time a person was added to said registrant

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database, and sequential selection in the order in which a person volunteered to serve as member of test screening audience for said particular specific video; conducting test screening of said particular specific video on said network by steps involving entering by a test screening audience member his or her identification number, to thereby obtain access by said test screening audience member to the particular specific video under screen testing, and providing on-line responses by test screening audience members to questions about the video of the test screening, and obtaining the online responses from the test screening audience member about the particular specific video after they have screened it.

it lacks,

establishing a registrant database with the person's name and contact information and where the test screening audience database is limited to members who accept assignment to them of a special access code to be entered by said member together with the member's identification number in order to gain access to the particular specific video test screening on said network and conducting test screening of said particular specific video on said network by steps involving entry by a test screening audience member of his or her access code and customer ID, to obtain access by said test screening audience member to the particular specific video under screen testing, and obtaining prior commitment from the test screening audience member to watch the entire test video and ensuring that the test audience members watch the entire test video by displaying in the video under screen testing a verification code for a limited time without advance notice to any members of the test screening audience, and the

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step of quizzing members of the test screening audience about said verification code, to learn if any member of the test screening audience failed to view a portion of the video containing the verification code.

as recited in independent **Claims 1 and 11**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Derks US 5093786 discloses a remote response system.

Ferris WO 99/04568 A1 discloses a remote control device for consumer broadcast receivers.

Abata EP 1089201 A1 discloses a video system utilizing user profile information.

Vamparys WO 200115449 A1 discloses a method for creating recommendations based on a users profile that is built interactively.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS



12-07-2006



## ABSTRACT OF THE DISCLOSURE

The present invention is directed to methods for facilitating video test screening on an electronic visual communications network. One step is to establish a database for a video test screening audience. The database contains audience member information and ID numbers for the audience members. A further step is establishing a test screening audience database. Audience members are selected without regard to the time a person was added to the database, or in a sequence according to the time a person volunteered to serve, or by a combination involving both techniques. Members of the audience are given a special access code to be entered with the member's identification number in order to gain access to the test video for test screening on the network. Verification codes and quizzing of the members may also be used for viewing verification.



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